

REMARKS

Claim 1 is amended to add back in the “separation” function. See prior pending claim 13.

I. Claim 19

The Examiner has not rejected claim 19. Therefore, it is Applicants’ understanding the claim 19 is neither anticipated by nor obvious over the cited art. If not, the Examiner is requested to issue a new, complete Office Action.

II. The Objection to the Drawings

The Examiner has objected to Applicants’ drawings under 37 CFR §1.83(a), asserting that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner requests that Applicants show an example of a fiber placed crosswise to itself.

Applicants’ respectively traverse the Examiner’s objection to the drawings. Applicants are required to furnish drawings only where necessary for the understanding of the subject matter to be patented. 35 U.S.C. § 113 and 37 C.F.R. §1.81(a). Applicants respectfully submit that the requested drawing by the Examiner is not necessary for the understanding of the subject matter to be patented. The Examiner has not given any reason or analysis as to why a drawing is necessary for the understanding of the subject matter claim 5.

For the above reasons, it is respectfully submitted that Applicants' specification, including the drawings as originally filed, fully comply with 35 U.S.C. §112, 37 C.F.R. §§1.81, 1.83 and 1.84 and it is requested that the objection to the drawings be reconsidered and withdrawn

III. The Rejection Based on Durst et al

Claims 1-2, 4, 6-9, 12-13 and 17 rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Durst et al. (DE 4308697).

Claim 3 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst as applied to claims above, and further in view of Mathewson (5236665) and/or Kalthod (5779897).

Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst as applied to claims above, and further in view of McNamara (3702658).

Claim 10 is rejected under 35 U.S.C. 103(a) being unpatentable over Durst et al. (DE 4308697) in view of Wolk (US 6,148,508).

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (OF 4308697) in view of Frazier et al. (US 7,048,723).

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (OF 4308697) in view of Anderson et al. (US 2002/0015952)

Claim 15 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Kitaguchi et al. (US 6,148,508)

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Durst, alone or in view of the secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

Durst relates to a process for enriching a first gaseous or liquid medium with a second gas or liquid by using hollow capillary fibers which are perpendicular to the flow of the first gaseous or liquid medium. Thus, the hollow capillary fibers must be open to the environment of the second gas or liquid and the hollow capillary fibers must be able to allow some of the first

gaseous or liquid medium to pass through to be absorbed by the second medium. That is, there is some exchange between the fluid in the hollow capillary fibers and the fluid outside the hollow capillary fibers.

In Durst, the whole of length of the hollow capillary appears to be on the frame part 3 or membrane element 2.

Applicants submit that a part of a hollow filament of the present application is exposed through the first and second supporting plates, and in this way, it is possible to connect the supporting unit to other external parts or devices easily (see for example, claims 1 and 7, Fig. 2, and paragraphs [0015], [0069] ("...Alternatively, it may be formed by a method of forming a joint 43 for fluid at the terminal of the hollow filament, as shown in Figures 4 and 5.") and [0079] ("...exposing the terminals of 10 mm in length respectively of the first hollow filament bundle...and the second hollow filament bundle...").

Thus, said "part" does not mean middle part such as Fig. 1 or 2 of Durst but means terminal parts, that is, terminals of hollow filaments extending from a supporting plate or an adhesive layer and are exposed. Durst does not disclose or provide any reason to make and use a microfluid-system supporting unit with a terminal part of at least one hollow filament is exposed through the first supporting plate.

The secondary references do not overcome the deficiencies discussed in the primary reference Durst.

For the above reasons, it is respectfully submitted that the subject matter of Applicants' claims is neither taught by nor made obvious from the disclosures of Durst and it is requested that the rejections under 35 U.S.C. §§102 and 103(a) be reconsidered and withdrawn.

IV. The Double Patenting Rejection

Claims 1-11 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6, and 8 of copending Application No. 10/505,416 (Your Ref.: JHTK-48-PCT-US, Our Ref.: 042717).

Since this is a provisional rejection, Applicants postpone response until one of the instant application or the copending Application is in condition for allowance. See MPEP 804.I.B.

V. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the objection to the drawings, the rejection under 35 U.S.C. §102 and the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No. 10/598,086
Attorney Docket No. 062904

Amendment under 37 C.F.R. §1.111

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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